



Patent and Trademark Office Substitute for FORM PTO-1449		<b>Attorney Docket Number</b> 101.0058-03000	<b>Customer No.</b> 22882
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>		<b>Applicant</b> Gary K. Michelson	<b>Application Number</b> 10/802,906
(Use several sheets if necessary) Sheet <u>1</u> of <u>7</u>		<b>Filing Date</b> March 17, 2004	<b>Group Art Unit</b> 3775
<b>Examiner</b> R. Shaffer			

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Lit. 4, Rex. 5	74,489	2/1868	Bidwell			
	824,867	7/2006	Houghton			
	2,423,511	7/1947	Luben et al.			
Rex. 5 *	2,526,959	10/1950	Lorenzo			
Lit. 4	2,550,867	5/1951	Rosan			
	2,757,457	8/1956	Ziegelski, Sr.			
Rex. 3, Rex. 6 *	2,825,329	3/1958	Caesar			
Lit. 4 *	3,244,170	4/1966	McElenny			
	3,709,219	1/1973	Halloran			
Lit. 2	3,741,205	6/1973	Markolf			
	3,750,652	8/1973	Sherwin			
	3,840,014	10/1974	Ling et al.			
Lit. 1, Lit. 2, Lit. 4 *	3,842,825	10/1974	Wagner			
	3,866,523	2/1975	Geschwender			
	3,960,147	6/1976	Murray			
	4,069,586	1/1978	Skelton			
	4,081,309	3/1978	Jenkins			
	4,102,339	7/1978	Weber et al.			
Lit. 4 *	4,338,926	7/1982	Kummer et al.			
Lit. 2	4,484,570	11/1984	Sutter et al.			
Lit. 2, Lit. 4, Rex. 1, Rex. 3, Rex. 5, Rex. 6 *	4,488,543	12/1984	Tornier			
	4,563,489	1/1986	Urist			
Lit. 2	4,573,458	3/1986	Lower			
	4,596,574	6/1986	Urist			
Lit. 4	4,599,086	7/1986	Doty			
Lit. 4	4,683,108	7/1987	Balog			
	4,733,657	3/1988	Kluger			
Lit. 4	4,743,256	5/1988	Brantigan			
Lit. 1, Lit. 2 *	4,794,918	1/1989	Wolter			
	4,863,475	9/1989	Anderson et al.			
	4,896,661	1/1990	Bogert et al.			

	4,898,161	2/1990	Grundeis			
Lit. 2, Lit. 3, Lit. 4, Rex. 3, Rex. 4, Rex. 6	4,917,704	4/1990	Frey et al.			
	4,929,247	5/1990	Rayhack			
Lit. 4, Rex. 5	4,950,270	8/1990	Bowman et al.			
Lit. 2, Lit. 4, Rex. 3, Rex. 4, Rex. 6	4,955,908	9/1990	Frey et al.			
	4,957,495	9/1990	Kluger			
	4,961,740	10/1990	Ray et al.			
Lit. 4, Rex. 2, Rex. 5	5,013,313	5/1991	Surer			
	5,019,079	5/1991	Ross			
	5,052,373	10/1991	Michelson			
Lit. 2 *	5,053,036	10/1991	Perren et al.			
	5,059,194	10/1994	Michelson			
	5,071,437	12/1991	Steffee			
Rex. 3, Rex. 6	5,084,051	1/1992	Tormala et al.			
Lit. 2, Lit. 4	5,085,660	2/1992	Lin			
Lit. 4 *	5,127,914	7/1992	Calderale et al.			
Rex. 5 *	5,129,899	7/1992	Small et al.			
Lit. 2 *	5,151,103	9/1992	Tepic et al.			
	5,167,662	12/1992	Hayes et al.			
Lit. 2 *	5,209,751	5/1993	Farris et al.			
	5,217,497	6/1993	Mehidan			
	5,234,430	8/1993	Huebner			
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Lit. 2, Rex. 5 *	5,261,910	11/1993	Warden et al.			
	5,275,601	1/1994	Gogolewski et al.			
Rex. 5 *	5,290,288	3/1994	Vignaud et al.			
Lit. 4	5,300,074	4/1994	Frigg			
	5,306,307	4/1994	Senter et al.			
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	5,338,197	8/1994	Kwan			
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Lit. 1, Lit. 2, Lit. 4, Rex. 1, Rex. 2, Rex. 3, Rex. 4, Rex. 5, Rex. 6 *	5,364,399	11/1994	Lowery et al.			
Lit. 2	5,380,324	1/1995	Muller et al.			
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Rex. 3, Rex. 6 *	5,397,363	3/1995	Gelbard			
	5,405,391	4/1995	Henderson et al.			
Lit. 2, Lit. 4, Rex. 3, Rex. 6 *	5,423,826	6/1995	Coates et al.			

Lit. 4	5,429,639	7/1995	Judet			
Lit. 4	5,443,467	8/1995	Biedermann et al.			
	5,456,685	10/1995	Huebner			
	5,458,653	10/1995	Davidson			
	5,478,340	12/1995	Kluger			
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Lit. 2, Lit. 4 *	5,487,741	1/1996	Maruyama et al.			
Rex. 2, Rex. 5	5,492,442	2/1996	Lasner			
Lit. 4	5,520,687	5/1996	Howland			
Lit. 2, Lit. 4, Rex. 2, Rex. 5 *	5,520,690	5/1996	Errico et al.			
Rex. 1 *	5,527,310	6/1996	Cole et al.			
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	5,531,554	7/1996	Jeanson et al.			
Lit. 2 *	5,531,746	7/1996	Errico et al.			
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Lit. 2	5,569,251	10/1996	Baker			
Lit. 2, Lit. 4 *	5,578,034	11/1996	Estes			
Lit. 4	5,582,612	12/1996	Lin			
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Lit. 2, Rex. 3, Rex. 6 *	5,601,553	2/1997	Trebing et al.			
Lit. 2 *	5,607,426	3/1997	Ralph et al.			
Lit. 2, Lit. 3, Lit. 4, Rex. 4 *	5,616,142	4/1997	Yuan et al.			
Rex. 5 *	5,620,443	4/1997	Gertzbein et al.			
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Lit. 2, Lit. 4, Rex. 1, Rex. 2, Rex. 5 *	5,676,666	10/1997	Oxland et al.			
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Lit. 1	5,776,199	7/1998	Michelson			
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Lit. 4	5,868,749	2/1999	Reed			
Lit. 2, Lit. 4, Rex. 1 *	5,876,402	3/1999	Errico			
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Lit. 4, Rex. 3, Rex. 6 *	5,888,223	3/1999	Bray, Jr.			
Lit. 2, Lit. 4	5,931,838	8/1999	Vito			
Lit. 4 *	6,022,350	2/2000	Ganem			
	6,030,389	2/2000	Wagner et al.			
	6,139,550	10/2000	Michelson			
Lit. 4	6,193,719	2/2001	Gournay et al.			
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Rex. 5	6,620,163	9/2003	Michelson			
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	CA 2 154 470 A1	8/1994	Canada			N/A
Rex. 5	DE 33 01 298 A1	2/1984	Germany			Corresponds to US 4,488,543
Lit. 4	DE 36 30 863 A1	3/1988	Germany			YES
Lit. 4	DE 88 04 457 U1	6/1988	Germany			YES
Lit. 4	DE 195 42 116 A1	5/1997	Germany			YES
Lit. 4	EP 0 179 695 A1	4/1986	Europe			YES
Lit. 4	EP 0 242 842 A2	10/1987	Europe			YES
Lit. 4, Rex. 5	EP 0 276 153 A2	7/1988	Europe			N/A
Lit. 4, Rex. 1, Rex. 3, Rex. 6	EP 0 538 895 A2	4/1993	Europe			N/A
Lit. 4	EP 0 672 397 A1	9/1995	Europe			YES
Lit. 4	EP 0 689 800 A2	1/1996	Europe			YES
Lit. 4	EP 0 699 057 A1	3/1996	Europe			YES
	EP 1 106 144	6/2001	Europe			N/A
Lit. 4, Rex. 3, Rex. 4, Rex. 6	FR 2 570 594 A1	3/1986	France			YES
Lit. 4	FR 2 739 151 A1	3/1997	France			YES
Lit. 4 *	FR 2 740 321	4/1997	France			Abstract only
Lit. 4	SU 1375252 A1	2/1988	Soviet Union			NO

Lit. 4	SU 1560165 A1	4/1990	Soviet Union			NO
Lit. 4	SU 1804317 A3	3/1993	Soviet Union			NO
Rex. 4	WO 88/03781	6/1988	WIPO			YES
	WO 94/17744	8/1994	WIPO			N/A
Lit. 2	WO 95/25474	9/1995	WIPO			YES
Lit. 2, Lit. 4	WO 95/26164 A1	10/1995	WIPO			N/A
Lit. 4 *	WO 95/31941	11/1995	WIPO			N/A
Rex. 5	WO 96/05778 A1	2/1996	WIPO			N/A
Lit. 4	WO 96/32071 A1	10/1996	WIPO			N/A
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
Lit. 2	Defendant's Third Supplemental Response to Plaintiffs' Interrogatory Nos. 8-11 . SDGI Holding, Inc. and Medtronic Sofamor Danek, Inc. v. EBI, L.P. and Biomet, Inc. in U.S. District Court for the District of New Jersey; Civil Action No. 2:06-CV-0490; pages 1-46.					
Lit. 2, Rex. 1, Rex. 2, Rex. 3, Rex. 6	Bohler and Gaudernak, Anterior Plate Stabilization for Fracture-Dislocations of the Lower Cervical Spine, The Journal of Trauma, Vol. 20, No. 3, Pages 203-205 (Mar. 1980)					
Lit. 2	Kotani et al., Biomechanical Analysis of Cervical Stabilization Systems, Spine, Vol. 19, No. 22, Pages 2529-2539 (1994), prior to July 1, 2004.					
Lit. 2	Taha and Zuccarello, ORION Anterior Cervical Plate System, Neurosurgery, Vol. 38, No. 3, Pages 607-610 (Mar. 1996).					
Lit. 2	Weis et al., In Vitro Biomechanical Comparison of Multistrand Cables with Conventional Cervical Stabilization, Spine, Vol. 21, No. 8, Pages 2108-2114 (1996), prior to July 1, 2004.					
Lit. 2	Peak Fixation System Anterior Compression Plate Product Catalog; 8 pages; (Depuy Motech, Inc. 1996), prior to July 1, 2004.					
Lit. 2	Dickman et al., Technique of Screw Fixation of the Cervical Spine, BNI Quarterly, Vol. 8, No. 2 Pages 9-26 (1992), prior to July 1, 2004.					
Lit. 2	Baldwin et al., Failure of a titanium anterior cervical plate implant: microstructural analysis of failure, Case Report, <u>J. Neurosurgery</u> , Vol. 83, No. 4, cover page and pages 741-743 (October 1995).					
Lit. 2	Ebraheim et al., Osteosynthesis of the Cervical Spine With an Anterior Plate, <u>Orthopedics</u> , Vol. 18, No. 2, cover page and pages 141-147 (February 1995).					
Lit. 2	Kostuik et al., Anterior Cervical Plate Fixation with the Titanium Hollow Screw Plate System, <u>Spine</u> , Vol. 18, No. 10, Pages 1273-1278 (1993), prior to July 1, 2004.					
Lit. 2	Rengachery et al., "Stabilization of the Cervical Spine with the Locking Plate System" in <u>Techniques in Spinal Fusion and Stabilization</u> , Pages 176-190 (1995), prior to July 1, 2004.					
Lit. 2	Suh et al., Anterior Cervical Plate Fixation with the Titanium Hollow Screw Plate System, A Preliminary Report, <u>Spine</u> , Vol. 15, No. 10, cover page and pages 1079-1081 (November 1990).					
Lit. 2	Zimmer Product Encyclopedia (Zimmer USA June 1978).					
Lit. 2 *	Codman Anterior Cervical Plate System (advertised in Spine, Vol. 20, No. 13 (Sep. 1995)).					
Lit. 1, Rex. 5 *	ORION Brochure, Anterior Cervical Plate System, Surgical Technique, as described by Gary L. Lowery, M.D., Ph.D. (July 1996); pages 1-24 plus 1 page.					
Lit. 2 *	ACROMED; AcroPlate Anterior Cervical System: Ordering Information for Implants and Instruments; (Jan. 1994).					
Rex. 5 *	CASPAR et al.; <u>Experimental and Clinical Studies, Anterior Cervical Fusion and Caspar Plate Stabilization for Cervical Trauma</u> ; Neurosurgery; Vol. 25; No. 4; 1989; pp. 491-502.					
	CLOWARD INSTRUMENT CORPORATION; Brochure, New Cloward Cervical Dislocation Reducer; Catalog No. C17-1000; 1 page; Prior to July 1, 2004.					
	CLOWARD INSTRUMENT CORPORATION; Brochure, New Cloward Lumbar Vertebra Spreader; Catalog. No. C61-1025/C61-1026; 1 page; Prior to July 1, 2004.					

	CLOWARD INSTRUMENT CORPORATION; Catalog, Cloward Instruments; 1993; 40 pages.
Lit. 2, Rex. 5 *	SYNTHES SPINE; <u>New Additions, Cervical Spine Locking Plate System</u> ; 1995; pp. 1-17.
Rex. 2	Relevant portions of the '586 patent file history. Including: File Wrapper Jacket (1 page); Application filed July 17, 2000 (pages 1-161); Restriction requirement mailed May 18, 2001 (5 pages); Reply to Restriction Requirement mailed September 18, 2001 (2 pages); Office Action mailed December 6, 2001 (6 pages); Fee Record Sheet (1 page); Bib Data Sheet (1 page); Amendment faxed June 6, 2002 (35 pages); Amendment faxed August 29, 2002 (21 pages); Notice of Allowability mailed September 10, 2002 (8 pages); Amendment mailed December 10, 2002 (27 pages); Amendment faxed February 25, 2003 (13 pages); Notice of Allowability mailed March 4, 2003 (5 pages); Amendment mailed April 8, 2003 (2 pages); Office Communication mailed May 8, 2003 (2 pages).
Rex. 2	Relevant portions of U.S. Application No. 09/669,912. Including: File Wrapper Jacket (1 page); Amendment mailed September 24, 2001 (17 pages).
Rex. 3	Relevant portions of U.S. Patent Application 11/110,161. Including: Continuing Application Transmittal filed April 20, 2005; Office Action mailed September 3, 2008 (13 pages).
Rex. 1	Relevant portions of the '542 patent file history. Including: File Wrapper Jacket (1 page); Amendment faxed November 19, 2001 (15 pages); Notice of Allowability mailed December 5, 2001 (4 pages); and Amendment faxed March 6, 2002 (12 pages).
Rex. 3	Relevant portions of the '050 patent file history. Including: Continuing Application Transmittal filed April 9, 2003 (1 page); Notice of Allowability with two initialed PTO/SB/08s mailed February 24, 2005 (9 pages).
Rex. 4	Relevant portions of the '320 patent file history. Including: Divisional Application Transmittal filed September 24, 2002 (1 page); Amendment mailed September 24, 2002 (8 pages); Office Action mailed November 26, 2004 (7 pages); Interview Summary mailed March 1, 2005 (2 pages); Amendment faxed March 2, 2005 (13 pages).
Rex. 5	Relevant portions of the '390 patent file history. Including: Continuing Application Transmittal with claims filed March 11, 2003 (8 pages); Notice of Allowance with initialed PTO/SB/08s and 892 mailed February 24, 2005 (15 pages).
Rex. 6	Relevant portions of the '051 patent file history. Including: Continuing Application Transmittal filed April 10, 2003 (1 page); Notice of Allowability with initialed PTO/SB/08s mailed February 24, 2005 (9 pages).
Rex. 3, Rex. 6	Relevant portions of U.S. Patent Application 10/802,906. Including: Continuing Application Transmittal filed March 17, 2004 (1 page); Office Action mailed December 10, 2008 (10 pages).
Rex. 1	NuVasive HELIX ACP Surgical Technique; 2008; cover page, pages 1-21, and back page.
Rex. 3	Relevant portions of U.S. Application No. 10/938,380. Including: Continuing Application Transmittal filed September 10, 2004 (1 page); Office Action mailed October 2, 2007 (10 pages); Amendment and Information Disclosure Statement faxed January 2, 2008 (20 pages).
Rex. 1	Relevant portions of U.S. Application No. 10/938,380. Including: Advisory Action mailed January 7, 2009 (3 pages); Continuing Application Transmittal mailed September 10, 2004 (1 page).
Rex. 6	Relevant portions of U.S. Application No. 10/938,380. Including: Office Action mailed October 2, 2007 (10 pages); Amendment with Information Disclosure Statement faxed January 2, 2008 (20 pages).
Rex. 5	Relevant portions of U.S. Application No. 09/618,036. Including: File Wrapper Jacket (1 page); Application filed July 17, 2000 (pages 1, 79-160); Amendment faxed July 11, 2002 (11 pages); Office Action with initialed PTO/SB/08s and PTO-892 mailed August 5, 2002 (11 pages); Amendment faxed January 9, 2003 (26 pages); Amendment faxed January 14, 2003 (12 pages); Notice of Allowability with initialed PTO/SB/08 mailed January 21, 2003 (6 pages).
Rex. 5	Relevant portions of U.S. Application No. 09/022,293. Including: File wrapper jacket (1 page); Patent Application Transmittal filed February 11, 1998 (1 page); Fee Transmittal mailed February 11, 1998 (1 page); Application filed on February 11, 1998 (pages 1, 73-148); Restriction Requirement mailed March 23, 1999 (5 pages); Reply to Restriction Requirement mailed July 22, 1999 (2 pages); Office Action with initialed PTO/SB/08 and PTO-892 mailed October 13, 1999 (14 pages); Reply to Office Action mailed April 13, 2000 (17 pages, 2 copies); Notice of Allowability with initialed PTO/SB/08 mailed September 26, 2000 (5 pages).
Rex. 1	Relevant portions of U.S. Application No. 09/022,293. Including: File Wrapper Jacket (1 page); Restriction Requirement mailed March 23, 1999 (6 pages); Reply to Restriction Requirement mailed July 22, 1999 (2 pages); Office Action mailed October 13, 1999 (11 pages); Application filed on February 11, 1998 (pages 1-149); Reply to Office Action mailed April 13, 2000 (17 pages); Notice of Allowability mailed September 26, 2000 (3 pages).

Rex. 2	Portions of U.S. Application No. 09/022,293. Including: File Wrapper Jacket (1 page); Application filed on February 11, 1998 (pages 1-102); Restriction Requirement mailed March 23, 1999 (6 pages); Reply to Restriction Requirement mailed July 22, 1999 (2 pages); Office Action mailed October 13, 1999 (11 pages); Reply to Office Action mailed April 13, 2000 (17 pages).
Rex. 1	Request for Inter Partes Reexamination of U.S. Patent No. 6,428,542, dated March 9, 2009, cover page and pages 1-71.
Rex. 1	Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,428,542, dated April 6, 2009, cover page and pages 1-74.
Rex. 1	Second Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,428,542, dated May 20, 2009, pages 1-82.
Rex. 2	Request for Inter Partes Reexamination of U.S. Patent No. 6,592,586, dated March 9, 2009, cover page and pages 1-101.
Rex. 2	Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,592,586, dated May 18, 2009, pages 1-108.
Rex. 3	Request for Inter Partes Reexamination of U.S. Patent No. 6,936,050, dated March 9, 2009, cover page and pages 1-53.
Rex. 4	Request for Inter Partes Reexamination of U.S. Patent No. 6,916,320, dated March 9, 2009, cover page and pages 1-33.
Rex. 4	Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,916,320, dated April 6, 2009, pages 1-35.
Rex. 5	Request for Inter Partes Reexamination of U.S. Patent No. 6,969,390, dated March 9, 2009, cover page and pages 1-71.
Rex. 5	Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,969,390, dated May 18, 2009, pages 1-80.
Rex. 6	Request for Inter Partes Reexamination of U.S. Patent No. 6,936,051, dated March 9, 2009, cover page and pages 1-51.
<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	